

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
WAYNE EDWARD WIGGLESWORTH and)	CASE NO. 06-62141 JPK
JOANN DURETHA WIGGLESWORTH,)	Chapter 13
)	
Debtors.)	

ORDER REGARDING FEE APPLICATION

Following a hearing held on June 25, 2007, Attorney Lea P. Shelemey, as counsel for the debtors, filed an Amended Application for Attorney Fees on July 13, 2007. This application seeks an additional award of compensation of \$1,510.00, in addition to the \$2800.00 awarded stated in the confirmation order entered on January 25, 2007.

The award of attorney compensation stated in an order confirming a plan is intended to determine, in accordance with 11 U.S.C. § 330(a)(1)(A), the amount of compensation to be awarded debtor's counsel for legal services performed in a Chapter 13 case up the date of confirmation. In the instant case, the \$2800.00 awarded stated in the confirmation order was premised on documentation filed by Attorney Shelemey of record, including provisions of the original Chapter 13 plan, the first Amended Chapter 13 plan, and the second Amended Chapter 13 Plan with respect to the amount of the administrative claim for attorneys' fees provided for by the plan; the disclosure of attorney compensation filed in this case; and a tendered form of confirmation order which itself designated the award as appears in the confirmation order. The Court's policy is to award a fee of \$2800.00 without requiring itemization of legal services performed by debtor's counsel in a Chapter 13 case. If compensation in excess of the \$2800.00 is sought, an itemized application for compensation is to be filed prior to the entry of the confirmation order.

Everything in this record as of the date of entry of the confirmation order established an award of attorney's fees of \$2800.00 for services rendered up to the date of confirmation. That

order is a final judgment, and both its terms and the terms of the Chapter 13 plan which was confirmed by the order are binding on all creditors and parties-in-interest, including debtors' counsel, by operation of 11 U.S.C. § 1327(a). Having reviewed the itemization of time attached to the Amended Application, the Court deems an award of \$2800.00 to be reasonable compensation for this case. The itemization establishes that legal services have been provided since the date of confirmation in the stated amount of \$331.00, beginning with services provided on February 12, 2007. The Court finds that Attorney Lea Shelemey is entitled to an award of attorney's fees of \$331.00 for legal services performed during the time frame beginning February 12, 2007 through and including June 22, 2007.

IT IS ORDERED that the Amended Application for Attorney Fees is granted in the amount of \$331.00, to be paid in the manner determined by the Chapter 13 Trustee to be in accord with the terms of the debtors' confirmed plan.

Dated at Hammond, Indiana on August 13, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee